

REPORT OF APPARENT VIOLATION OF PRETRIAL RELEASE CONDITIONS

Defendant: Waylon Young Bird

Address: Mandan, ND

CR #: 0869 3:18CR30061

Date Bond Set: 05/17/2018

Judicial Officer: Mark A. Moreno, U.S. Magistrate Judge

Type of Bond: Personal Recognizance

Conditions of release (list only those relative to apparent violation):

- (1) Defendant shall not violate any federal, state or local (including tribal) law while on release in this case.

Description of apparent violation(s):

On 08/03/2018 the Probation Office received notification the defendant had contact with law enforcement. The defendant was pulled over in a traffic stop. The Probation Office's attempts to contact the defendant were unsuccessful.

On 08/06/2018 the defendant contacted the North Dakota Probation Office stating he was detained over the weekend in Standing Rock Sioux Tribal Jail. Per the incident report, the defendant and another individual were pulled over by law enforcement. Law Enforcement detected an odor of burnt marijuana. A search of the vehicle resulted in a burnt marijuana roach and rolling papers. The defendant was asked if there was anything else in the vehicle or on his person, and the defendant responded "no." As the defendant was being escorted to the patrol vehicle, a large plastic bag fell out of the defendant's shorts and onto the ground. The sack contained approximately 6.20 grams of green leafy substance (marijuana) with two other hand rolled joints that weighed approximately .60 grams. The defendant was arrested for Possession of Marijuana, Possession of Paraphernalia and Hindering Law Enforcement.

On 08/06/2018 the defendant pleaded guilty in tribal court to Possession of Paraphernalia and Hindering Law Enforcement. He was sentenced to 30 days custody with 27 days suspended and credit for 3 days. He was also placed on supervised probation for six months with conditions that he cannot violate an Standing Rock Sioux Tribal Laws, not consume or possess any illegal drugs or alcoholic beverages, obtain a chemical dependency evaluation within 90 days of release, and fines/costs.

The defendant is on courtesy supervision in Mandan, ND. The North Dakota Probation Officer has notified the South Dakota Probation Office the defendant's whereabouts were unknown from 08/03/2018 to 08/06/2018. The defendant currently has a radio frequency (RF) location

monitoring bracelet on.

Summary of defendant's response to supervision (prior to apparent violation):

The defendant has been on pretrial release since 05/17/2018 and this is the first known violation of release conditions.

Summary of PO's efforts to locate if defendant appears to have fled:

Not applicable.

PO's recommendation (e.g., continue supervision, detention, modification, etc.):

The defendant is alleged to have committed a nonviolent law violation. The defendant was not at his residence from 08/03/2018 to 08/06/2018. As reported by the North Dakota Probation Office, the defendant did well on pretrial release prior to 08/03/2018. The defendant's risk of nonappearance and risk of harm appear to remain unchanged due to the alleged violation. It is recommended the defendant be ordered to appear in court to address the allegations. It is further recommended the defendant continue pretrial supervision with regular drug testing, and continue medical treatment.

I declare under penalty of perjury that the foregoing is true and correct.

08/10/2018

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